

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEE FOR
PERSONAL INJURY AND DEATH CLAIMS**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP
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VIA ECF

September 3, 2021

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Pursuant to the Court's Order dated August 24, 2021 (ECF No. 7070), the Plaintiffs' Executive Committee for Personal Injury and Death Claims ("PEC") conducted a meet-and-confer call with counsel for the seven groups of plaintiffs who recently filed motions for default judgments against Iran (the "Latent Injury Plaintiffs"). The PEC submits this letter with the approval and input of counsel for the Latent Injury Plaintiffs.¹ Neither the PEC nor the Latent Injury Plaintiffs believe that further letters are necessary to inform the Court's resolutions of these motions.

The Latent Injury Plaintiffs have asked this Court to accept the evidence presented in connection with their motions for default judgment, including determinations by the September 11th Victim Compensation Fund of 2001 ("VCF") as to causation, as sufficient to meet their burden for entry of a default judgment under the Foreign Sovereign Immunities Act, 28 U.S.C. 1608(e). The PEC previously addressed the history of the VCF, the World Trade Center Health Program, and the standards employed by both the VCF and the WTC Health Program at the request of the Court. *See* ECF Nos. 5484, 5704. The Latent Injury Plaintiffs have also addressed these

¹ The Latent Injury Plaintiffs are represented by Barry Salzman and Michael Barasch of Barasch McGarry Salzman & Penson and Aryeh S. Portnoy, Glen G. McGorty, and Michelle Ann Gitlitz of Crowell & Moring LLP.

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items in their prior filing before the Court. *See* ECF No. 5746.² Since those filings, the VCF process has not changed, and the same standards continue to apply.

While the PEC (in coordination with the Plaintiffs' Executive Committee for Commercial Claims) is responsible for coordinating and conducting pretrial proceedings concerning common legal and factual issues, individualized determinations of injuries and deaths remain the responsibility of the attorneys pursuing the individual actions. For this reason, the PEC takes no position on the outcome of any individual claim, nor on the Latent Injury Plaintiffs' recent filings.

Respectfully submitted,

MOTLEY RICE LLC

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*For the Plaintiffs' Executive
Committee for Personal Injury and
Death Claims*

*For the Plaintiffs' Executive Committee
for Personal Injury and Death Claims*

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF

² In their letter from January 27, 2020, the Latent Injury Plaintiffs described the filing plaintiffs as "9/11 first responders, volunteer, and other wrongful death victims" who were "killed as a result of the 9/11 attacks," succumbing to their injuries sometime after September 11, 2001, along with immediately family members of those deceased victims. *See* ECF No. 5746 at 1, 3. The Latent Injury Plaintiffs assert that each of the decedent Latent Injury Plaintiff victims died from a fatal disease that the U.S. Department of Justice "made an express determination" was a "direct result" of the terrorist attacks on September 11, 2001. *See id.* at 5.